

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. *(Cancelled).*

2. *(Currently Amended)* A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:
 - a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received reflected light;
 - a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;
 - a first variable amplifier which varies the amplitude of the first tracking error signal;
 - a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;
 - a second variable amplifier which varies the amplitude of the second tracking error signal;
 - an adder a combining unit which adds combines the first and second tracking error signals generated by the first and second variable amplifiers, ~~and provides a to provide an added combined tracking error signal;~~
 - a muting unit which mutes the first tracking error signal when the first tracking error signal amplitude is lower than a predetermined reference, and mutes the second tracking error signal when the second tracking error signal amplitude is lower than a predetermined reference; and
 - a tracking control unit which controls tracking by using the added tracking error signal provided from combined by the adder combining unit.

3. *(Currently Amended)* A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:

a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received reflected light;

a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;

a first variable amplifier which varies the amplitude of the first tracking error signal;

a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;

a second variable amplifier which varies the amplitude of the second tracking error signal;

an adder a-combining-unit which adds combines the first and second tracking error signals generated by the first and second variable amplifiers, and provides [[a]] an added combined tracking error signal;

a muting unit which mutes one of the first and second tracking error signals when the amplitude of the one of the tracking error signals is lower than a predetermined reference; and

a tracking control unit which controls tracking by using the added tracking error signal provided from the adder-combined by the combining unit.

4.-8. *(Cancelled).*